

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PANE,	:	
	:	ORDER
Plaintiff,	:	
	:	07 Civ. 3216 (LMS)
-against-	:	
TOWN OF GREENBURGH, et al.,	:	
	:	
Defendants.	:	

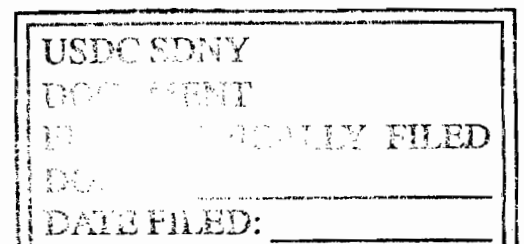
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Motion for Order to Show Cause (docket #36) is granted.

First, Mr. Castro, the proposed deponent, is not counsel of record in this case; he appeared at counsel table with Plaintiff's counsel, Mr. Batra, on a single occasion at the first conference before the undersigned in June, but only Mr. Batra is counsel of record in this case. Permitting the deposition of Mr. Castro does not, therefore, impact on Ms. Pane's choice of counsel in this litigation. Whether Mr. Castro maintains an attorney-client relationship in some other fashion with Ms. Pane is not relevant to my consideration of this application, which is limited to the inquiry proposed in the motion papers.

Second, the inquiry that is proposed with regard to Mr. Castro's contacts with representatives of the media are clearly not privileged, and as to that part of the Motion the identified limitations are accepted and must be followed.


Finally, with regard to Mr. Castro's billing, I will permit very limited inquiry, designed to be completely non-intrusive into the content of any communication between counsel and his client. This limited inquiry is to include the name and docket number of the court case for which



legal work is being done, if such a court case had been filed at the time of or during the representation, the hours spent on the representation and the date of such expenditure of time, and the amount of money charged for that work. If any of the charges relates to communications by Mr. Castro with third parties, such that the communication and therefore the content of the billing would be non-privileged, then those third parties and the subject of the charge are to be identified in connection with that or those charges. Any specific charges, such as filing fees, are to be specifically identified. Ordinarily I would consider directing that such inquiry of Mr. Castro should wait until after Plaintiff's deposition, but as I am directing that Mr. Castro's deposition may go forward with regard to his contacts with the media, it is more efficient to allow all questioning of the single witness to be done in one proceeding, so I am permitting the deposition to go forward even before the deposition of Ms. Pane.

Dated: April 18, 2008  
White Plains, New York

**SO ORDERED**



Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York